

Remarks/Arguments:

Previously presented claims 77-96, with claim 77 amended hereby, are pending.

Claim 77 is amended by rewriting the "employing" process step in combination with the "selecting" process step as four sub-steps – i), ii), iii), and iv) – by which "the expected distribution function of the number of photon counts is calculated." Support for the amendment can be found in the specification paragraph bridging pages 15 and 16.

Claim 77 was rejected under 35 USC 112, second paragraph, as allegedly being indefinite. Reconsideration of the rejection is requested in view of the changes to claim 77 effected hereby.

According to the statement of rejection (Office Action, page 3),

it is not clear what the word "employing" refers to . . . it is not clear what formula Applicants refer to when they say that the volumes are "variables" and also it is not clear what relationship this has with the spatial brightness function.

In accordance with the instant amendment, neither the word "employing" nor the word "variables" appears in the claims. Moreover, the relationship among the recited "spatial brightness function," the "modeling parameters," and the "volumes of sections" is unequivocally defined in amended claim 77. As such, withdrawal of the section 112, second paragraph, rejection appears to be in order.

According to the Office Action, claims 78-96 are allowable over the prior art. Applicants wish to thank the examiner for the notification of allowable subject matter.

Claim 77 was implicitly found allowable in accordance with the Office Action. That is, the Office Action does not reject claim 77 over the prior art. Moreover, the rejection of claim 77 under 35 USC 112, second paragraph, is overcome by the instant amendment.

Accordingly, the subject matter of pending claims 77-96 being expressly or implicitly allowable in accordance with the Office Action, and the sole remaining issue of record – the section 112, second paragraph, rejection – being resolved, hereby, the subject application appears to be in form for immediate allowance.

Favorable action is requested.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By



William E. Player

Reg. No. 31,409

400 Seventh Street, NW
The Jenifer Building
Washington, D.C. 20004
Tel. (202) 638-6666
Fax (202) 393-5350
Date: December 27, 2004
WEP/bad

R:\Home\rtthomas\2004\DECEMBER\P61813-and.wpd